

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

<b>JOHNNY M. RODRIGUEZ,</b>	)	
	)	
<b>Plaintiff,</b>	)	<b>8:04CV576</b>
	)	
<b>vs.</b>	)	<b>ORDER</b>
	)	
<b>UNION PACIFIC RAILROAD,</b>	)	
	)	
<b>Defendant.</b>	)	

This matter is before the court on the defendant's Motion to Amend Pretrial Order (Filing No. 106). The plaintiff filed an objection (Filing No. 109) to the motion. The defendant filed a reply brief (Filing No. 110). The court held a telephone conference with counsel for the parties on August 1, 2006. Aaron F. Smeall participated on behalf of the plaintiff and Brian J. McGrath participated on behalf of the defendant.

The defendant seeks to amend the pretrial order to include its objections to the plaintiff's deposition designations were mistakenly omitted due to a misunderstanding. The notations on the defendant's objections are an "O" meaning the objection is covered by the defendant's motion in limine; "P" means the objection is based on Federal Rule of Evidence 403; and "IE" stands for best evidence. The defendant also has an objection listed as "M" for materiality, however such objection is stricken. Overall, the court finds the plaintiff will not be prejudiced by allowing the amendment sought by the defendant because the objections were previously noted in an earlier draft of the document received by the plaintiff. Upon consideration,

**IT IS ORDERED:**

1. The defendant's Motion to Amend Pretrial Order (Filing No. 106) is granted.
2. The plaintiff's Objection (Filing No. 109) is overruled.

DATED this 1st day of August, 2006.

BY THE COURT:

s/Thomas D. Thalken  
United States Magistrate Judge